EPH. (1949) Department.

MS SERIES.

G.O. NO.	3776 PH
Dated	27-10-49

[Despatch Abstract.]

Licence fees- Mangalore Municipality
Revision of rates of licence fees for
Hotels etc- papers recorded.

Very Urgent,
Ref. C. No. C2/

Municipal Office, Mangalore,
Dated the 12th August 1947.

From

Dr. K. Shambu Shetty, M.B.B.S., D.G.O.,
Commissioner-in-charge, Mangalore Municipality,
Mangalore.

To

The Secretary to Government of Madras,
Education and Public Health Department,
Fort St. George, M a d r a s.

Sir,

Subject: Licence fees - Mangalore Municipal council - resolution fixing the rates for hotels - Cancellation - reply to show cause notice.

I submit a copy of Resolution No. 20, dated the 7th August 1947 of the Special Officer exercising the functions of the Municipal Council. In view of the reasons mentioned in the resolution the rate of license fees on hotels etc levied and is in existence at present may not be kindly cancelled. The matter may also please be kept pending, if need be, until the new council forms itself and comes to a decision either reiterating resolution No. 20, dated the 7th August 1947 and the previous one or otherwise. Early orders may kindly be passed in the matter for taking any further action which might be ordered in the matter.

K Shambu Shetty 12/8/47
Commissioner-in-charge.

Encl: One.

h/12-8-47.compd.

Enclosure.

Extract from the proceedings of the Special Officer in charge exercising the function of the Municipal council, Mangalore, dated the 7th August 1947.

x x x

Resolution No.20. C2/12334/47. G.O.No Ms 2566, P.H., Dept. dated the 25th July 1947, requiring to show cause why the Municipal Council's resolution No.47, dated the 28th January 1946 regarding th fixing of rates for hotels, restaurants, eating houses and coffee houses etc. should not be cancelled by the Government under the first proviso to section 36(1) of the Madras Dt.Municipalities Act of 1920 as amended.

The council in its resolution No.47, dated the 20th January 1946 had fixed licence fees for hotels, restaurants, eating houses after going into the matter very carefully. The council while passing the above resolution felt that in consideration of the

growing expenditure involved in supervising the hotels etc. towards the purchase of additional lorries and additional materials and in maintenance of additional staff and payment to them of higher salaries and high r rate of dearness allowance to staff, the enhancemented licence fee was justifiable.

x x x

sd. K. Shambu Shetty,
Special Officer, exercising the functions of the council.

(True extract)

K Shambu Shetty 12/8/47
Commissioner in charge.

Municipal Office, Mangalore,
dated the 12th August 1947.
h/12-8-47.
compd.

growing expenditure involved in supervising the hotels etc. towards the purchase of additional lorries and additional materials and in maintenance of additional staff and payment to them of higher salaries and high r rate of dearness allowance to staff, the enhancemented licence fee was justifiable.

x . . x

sd. K. Shambu Shetty,
Special Officer, exercising the functions of the council.

(True extract)

K Shambu Shetty 12/8/47.
Commissioner in charge.

Municipal Office, Mangalore,
dated the 12th August 1947.
h/12-8-47.
compd.

revenue fees. Mangalore Municipality Rates of fees for hotels &c Revision. Orders issued

From the Govt, Mangalore Dy Reg: C No. C2 d 12-8-47

C 2 9075-47 d 19-8-47)

Read again ~~get cancel~~ go 2566 PH d 25.7.47:

order 3035 on 6-9-47

The Special Officer and Commissioner, Mangalore Municipality is informed that this resolution no 20 dated the 7th August 1947. is not acceptable.

2 The govt direct that the SG should revise the rates of licence fees for the year 47-48 for hotels, within — a month in consultation with the Inspector of Municipal Councils and Local Boards and report the fact to govt.

By order,

5-9-47

To S-to Govt Mangalore City SLB / The Collector of South Kanara

4.9.47

E.no 6603.6 Fy/47 Licence fees- Mangalore Municipality.
Rates of fees for hotels &c. Revision.

Read again go 3035 P.W. dated 6-9-47.

Memo: 66034 Fy/47 - P.W. dated 20-X-47 -

The attention of the Commissioner
Mangalore Municipality is invited to para 2 of
the go cited above; he is requested to state when
this report may be expected.

Dy Secy
21/10

Dy Secy
16.X.47

Jo
17.X.47

Jo
20.10.47

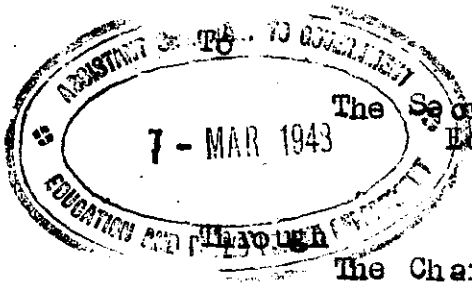
To
the Commissioner
Mangalore
Municipality

D. Dis 12334--47.

Municipal Office, Mangalore,
Dated the 1st March 1948.

From

Sri M. Narayana Shenoy, B.A.B.L.,
Commissioner, Mangalore Municipality.



To

The Secretary to the Government of Madras,
Education & Public Health Department,
Fort St. George, M a d r a s,

Through The Chairman, Municipal Council, Mangalore.

Sir,

17658

Subject: Licence fees - Mangalore Municipality - Rates of fees for hotels etc.

Ref: Government Memorandum No. 66034-F2/47, dated the 24th February 1948.

I submit copy of council's resolution No.85 dated the 28th February 1948 together with the Public Health Committee's resolution No.2, dated the 18th February 1948 and copy of report dated the 27th January 1948 of Dr. K. Nagappa Alva considered by the committee. I am to request that the Government may be pleased to drop the matter.

3-3-48
Commissioner

Forwarded

3/3.
Chairman, M.C.

H/2-3-48. compd. 3.3.48
Encl:3.

Extract from the proceedings of the meeting of the Public Health committee of the Municipal council, Mangalore held in the Municipal Office, Mangalore at 5 p.m. on Wednesday the the 18th February 1948.

Present.

x x

2. Council resolution No.5 dated the 29th Novr. 47 referring to Public Health Committee G.O.No. Ms 2566 P.H. dated the 25th July 1947 to show cause why the resolution of the municipal council, Mangalore revising the rates of licence fees should not be cancelled G.O.No. 3035 P.H. dated the 6th Septr. 47, stating that the rates of license fees for the year 47--48 and thereafter for hotels, restaurants, and eating houses, be revised in consultation with the Inspector of Municipal councils L.Dis. 38849/47 dated the 29th October 1947 that the rates of licence fees for hotels etc in the municipality may be on a par with those obtaining in Pollachi and Palghat municipalities and other connected papers and Public Health Committee's resolution No.7 dated the 21st Jan.48 referring the matter to Dr.K.Nagappa Alva, M.B.B.S, for a detailed report and his report dated the 27th Jan.48.

The report dated the 27th Jan.48 of Dr.K.Nagappa Alva is unanimously accepted.

sd. L.C.Pais
Chairman, M.C.

/True extract/

3-3-48
Commissioner

h/2-3-48.compd.

Extract from the proceedings of the Mangalore Municipal council, dated the 28th February 48.

x x x

Resolution No.85. C2/12334 -- 47. Council resolution No.5 dated the 29th November 1947 referring to Public Health Committee with Sri S. Narsappayya B.A.B.L., and M.S. Sreshta Esq. c.c.sRetd Bar at Law for report - G.O.No. Ms 2566 P.H. dated the 25th July 47 to show cause why the resolution of the municipal council Mangalore refixing the rates of license fees should not be cancelled G.O.No. 3035 P.H. dated the 6th Septr.47 stating that the rates of licence fees for the year 47--48 and thereafter for hotels restaurants and eating houses be revised in consultation with the Inspector of Local Boards and Municipal Councils L.Dis. No. 38849/47 dated the 27th October 1947\that the rates of license fee for hotels etc in this municipality may be on a par with those obtaining in Pollachi and Palghat Municipalities and the committee's resolution No.2 dated the 18th February 48 accepting the report dated the 27th January 48 of Dr. K. Nagappa Alva to the effect that the Govt. may be requested not to pursue the matter.

Committee's report is accepted. Government is requested to drop the matter.

sd. L. C. Pais
Chairman, M.C.

/True Extract/

3/3

Commissioner

h/2-3-48.compd 3/3/48

REPORT BY DR. K. NAGAPPA ALVA, MEMBER, MUNICIPAL COUNCIL.

The papers regarding licence fee on hotels have been referred to me by the Public Health Committee. I report as follows:-

The Council raised with effect from 1-4-1946 the licence fee on hotels, restaurants, eating houses etc. from 1/3rd of the monthly rental of the premises to double the monthly rental of the premises. The hotel keepers etc. represented their grievances to the council but the council did not find any reason to reduce the licence fee. In G.O.No. Ms 2566 P.H. dated the 25th July 1947 the Government considered the increase to be very high and called upon the Special Officer of the municipality to show cause why the council resolution in so far as it related to hotels restaurants, eating houses, and coffee houses should be not be cancelled. He was also directed to fix the rates in consultation with the Inspector of municipal councils. The Special Officer showed cause in his resolution No. 20 dated the 7th August 1947 but in G.O. No. Ms 3035 P.H. dated the 6th Septr. 47 the Government said his resolution was not acceptable and again directed the Special Officer to revise the rates from 47--48 and thereafter on hotels restaurants and eating houses etc. In his letter dated the 13th Septr. 47 the Special Officer consulted the Inspector of Municipal Councils in regard to all items the licence fee on which was revised by the council with effect from 1-4-46. In his letter L. Dis. 38848/47 dated the 27th October 1947, the Inspector has communicated the rates in force in Pollachi and Palghat and stated that the rates here may be on a par with these. The rates communicated relate to restaurants, hotels, eating houses, coffee club and tea club. It could therefore be assumed that the rates in regard to other items are not taken exception to and are therefore considered fair. I shall therefore deal with licence fee on hotels, restaurants, and eating houses only.

The rate prevalent in Mangalore prior to 1-4-1946 and from 1932 was 1/3rd of the monthly rental; so when the rate raised to double the monthly rental the increase was six times and would naturally attract attention - while no doubt the licence fee should not be a source of income. It should not be a source of drain on the revenues of the municipality. The rate prior to 1-4-1946 was in my view ridiculously low and I venture to say was perhaps the lowest in the province. I, therefore do not see why Government should take exception when the council only put it at just figure. The fee should be fixed to cover according to G.O.No 630 P.H. dated 16th March 194 1933.

1) Cost of issuing licence. Stationery price has gone up three times. The price of forms from Messrs Hoe & Co. has gone up tremendously and they get surcharge besides.

2) Cost of inspection of premises. The establishment charges have gone up. A worker getting Rs.8 then now will get Rs. 15 + Rs.18 Dearness allowance. There were no Health Officers and Commissioners then. We now have Sanitary Inspectors at one for 10,000 population, so the cost of inspection has surely gone up at least five fold.

3) Subsequent Inspection cost - subsequent inspections were few then. Now there are frequent inspections. The increase in cost flows: When more hotels spring up there is more of

direct dirt and accumulation of water D D T spraying staff has been appointed to spray accumulations and breeding places - In a hot premises these are plenty.

But when the cost has increased and I dare say it has increased over four times at least there is no justification to consider the six times increase on license fee as too much as the original rate was ridiculously low. I wish to point out that the council resolution No.47 dated the 28th January 46 fixing th rates from 1-4-46 has not been cancelled by Government - G.O.No. 2566 P.H. 48 only asks for cause to be shown against cancellation and G.O.No. 3035 P.H. dated the 6th Septr. 46 issued on the cause shown states that cause shown is not acceptable but does not cancel the resolution revising rates - The resolution was proposed to be cancelled without giving a council (not the special officer) an opportunity to show cause and at a time when formation of council was imminent.

The Government have been proclaiming that they wish to confer more powers on local bodies. I do not see why a resolution of the council in a simple matter like the fixing of license fee should be interfered with. The Government have fixed statutorily maximum fees for storing of fish, installation of machinery etc. and if the Government wants to have power to fix rates for hotels let them take power and fix a statutory a maximum and not interfere with the council's discretion.

The Inspector has pointed out that rates in Palghat and Pollachi may be adopted as fair. These are second grade municipalities. Add to this the rent of hotels is low here comparatively as the rent is of prewar level. We have since obtained the rates of some first grade municipalities - They are :

Trichy: Restaurants coffee house or Boarding house		Rs. 31/4 per annum
Eating house		Rs. 15/-
Tea shop		Rs. 15/-
Conjeevaram: Meals and coffee hotels up to		Meals or coffee
300 Rs. rent per annum	Rs. 35	Rs. 25
301 to 500 rent P.A.	Rs. 50	Rs. 46
501 to 750 per annum	Rs. 75	Rs. 50
751 and above	Rs. 100	Rs. 75

Coimbatore: Keeping hotel, restaurent, coffee house eating house

Less than Rs. 100 per annum - rent	Rs. 4-8-0
100 to 200	Rs. 9/-
200 to 300	Rs. 22/8/0
300 to 500	Rs. 37/8/0
500 to 750	Rs. 112/8/0

Calicut:	Hotel, restaurent, eating house coffee house :	
	Less than Rs.25 per annum rent	Rs. 3
	Between Rs. 25 and Rs.50	Rs. 7/8/0
	50 to 100	Rs. 12-0-0
	100 and 150	Rs. 20/-
	150 to 250	Rs. 30/-
	250 and 500	Rs. 50/-
	500 & 1000	Rs. 75/-
	1000 to 1500	Rs. 100/-
	Over Rs.1500	Rs. 125/-
Rajahmundry and Guntur	Hotel etc.	10 per cent of the rental value.

In Calicut, hotel keepers occupying buildings on annual rental of Rs.12 Rs.30, Rs.60 or Rs.108 will have to pay a fee of Rs.3/- 7s, 12 or Rs.20 but in Mangalore they need pay only Rs.2, 5, 10, 18 as licence fee - less than that of Calicut. In Calicut however there is relief for bigger hotel keepers for one on a building of rental Rs.50 per month need pay only Rs.75 while here he has to pay Rs.100 here. Mangalore has been considrate to the smaller hotels while Calicut is considerate to the bigger ones.

I do not know why Palghat and Pollachi rates are considered fair for considitions in Mangalore. The conditions here are different and approximate to that of Calicut - why Mangalore should reduce the rate is not clear as on the whole Mangalore rates compare favourably with those of Calicut. I therefore do not recommend any reduction in the rates in force now. Further a change for the year 47-48 or for 48-49 is unthinkable as that would disturb the budgetary equilibrium. The Government may be requested not to pursue the matter.

sd. K. N. Alva,
27-1-48.

(True copy)

Commissioner.

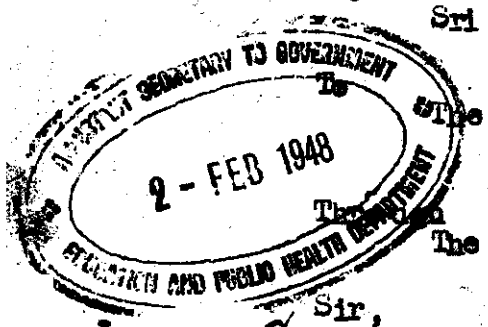
compd.

h/2-3-48. 3/3/48

Rec No.C2/12334--47. Municipal Office, Mangalore,
dated the 23rd January 48.

From

Sri M.Narayana Shenoy,B.A.B.L.,
Commissioner, Mangalore Municipality.



To

The Secretary to Government of Madras,
Education and Public Health Department,
M a d r a s,

The

The ~~Hon'ble~~ Chairman, Municipal Council, Mangalore.

Sir,

Sub: License fees - Mangalore Municipality - Rates of fees for hotels.

Ref. Government Memorandum No. 66034 F2 dated the 20th October 1947 & reminder

The matter is referred by the council to a committee of the municipal council and its decision will be duly communicated.

Commissioner

1. Comments may be again reminded on 23.2.48.

Forwarded

Chairman, in-charge.

h/26-1-48. compd.

"I. From the Commissioner, Mangalore Mpty.

Dde 12334-47 dated 1-3-48.

Licence fees. Mangalore Municipal Council.
Rates of fees for hotels etc. Revision.
Memo: 6634 Fy. 5 Dlt dated 18-3-48
Referred to the Inspector of
Municipal Councils and Local Boards for very
early remarks with reference to the resolution of the Municipal
Council Mangalore No 85 dated 28-2-1948,
p13 ante Rec
15-3-48.
S. 17-3-48

The Inspr of Mcl
with LBds
original to be ret
with enquiry,
M/W. Engr
24/3/48

From

K.M.Unnithan Esq.,I.C.S.,
Inspector of Ml.Cls.,& L.Boards,
Madras.1

To

The Secretary to Government,
Education and Public Health Department,
Madras.

Sir,

L.Dis.15525/48 dated 10-8-48.

....

60596

Sub:- Licence - Mangalore Municipal Council - rates of fees for hotels etc., revision of.

Ref:- Memo 66034-F2/47-5 P.H. dated 18-3-48. — 42

I return herewith the papers received with the Government memo cited above together with a copy of report L.Dis.4420/48 dated 19-7-48 of the Deputy Inspector, Western Range, Coimbatore in the matter. I agree with the remarks of the Deputy Inspector, Western Range.

For Inspector.
12/8.

½ 12/8.

K.V.11/9

--

Copy of Letter L.Dis.4420/48 dated 19-7-48 of the Deput. Inspector, Western Range, Coimbatore addressed to the Inspector of Municipal Cls., and L.Boards, Madras.1

Sub:- Licence - Mangalore Municipal Council - Rates of fees for hotels etc - Revision.

Ref:- Your Roc.No.15525/48 dated 5-5-48.

...

I looked into the matter when I inspected the Mangalore Municipality recently. The Inspector of Municipal Councils and Local Boards in his L.Dis.38849/47 dated 27-10-47 asked the Mangalore Municipality to levy licence fees so that it might be on a par with the fees levied by the Palghat and Pollachi municipalities. I consider that the fees levied by ~~the~~ palghat and Pollachi municipalities. ~~I consider that the fees levied by the 2 municipal councils are low and the conditions obtaining in Mangalore cannot be compared with those of Palghat and Pollachi municipalities.~~ I think the fees levied by the Calicut Municipality - another I Grade municipality in West Coast - may be compared with those levied by the Mangalore Municipality as the Councillor Sri Alwa who examined the question and submitted a report to the Mangalore Municipal Council has accepted that the conditions at Mangalore approximate to that of Calicut. The councillor having observed this, compared the fees levied by Calicut and Mangalore and came to the conclusion that the rates levied at Mangalore compare favourably with those of Calicut. This conclusion does not appear to be borne out by facts. The rates obtaining at Calicut and Mangalore are compared below: --

it the two municipal councils are low and the conditions obtaining in Mangalore can not be compared to those of —

	Calicut.	Mangalore.
Less than Rs.25/-A.R.V.	Rs. 3-0-0	Rs. 4-2-0
Between Rs.25/- and Rs.50/-	" 7-8-0	Rs. 8-5-0
" Rs.50/- and 100/-	" 12-0-0	Rs. 12-8-0
" Rs.100/-and Rs.150/-	" 20-0-0	Rs. 25-0-0
" Rs.150/- and Rs.250/-	" 30-0-0	Rs. 41-11-0
" Rs.250/ and Rs.500/-	" 50-0-0	Rs. 83-5-0
" Rs.500/- and Rs.1000/-	" 75-0-0	Rs. 166-11-0
" Rs.1000/- and Rs.1500/-	" 100-0-0	Rs. 250-0-0
Over Rs.1500/-	Rs. 125-0-0	2 months rent subject to a maximum of Rs.1000/-

The rates of Mangalore are high. It is argued that a rise in the rate of licence fees is justified on account of the rise in the expenditure on Public Health. It is seen that the expenditure on Public health was Rs.2,10,107/- in 1947-48 as against Rs.1,59,710/- in 1945-46, but the income from licence fees was Rs.11355-13-0 in 47-48 as against Rs.1364-8-0 in 45-46. The income has gone up nearly 9 times. Such a steep rise in the fees does not appear to be justifiable. I think the Mangalore Municipal council may be asked to adopt the rates obtaining at Calicut.

True Copy/

12/8

Personal Assistant.

K.H.11/9

10 66034 F3/47
3E7

From the Inspector of Mlcpls and Local Boards. Lr dis no. 155257/48-d 10.8.48

Licence fees. Mangalore Municipal Council. rates of fees for hotels etc.

Memo: 66034 F3/47 - 7 PH-d 18.8.48

The Insp of Mlcpls and Local Boards is requested to obtain and forward to govt the following particulars:-

1 Rates of licence fees adopted by the first grade Municipalities in Tamil and Andhra districts for the issue of licences under section 249 of the MDM Act read with clause (j) of Schedule V to the Act for hotels, restaurants, eating-houses, coffee-houses, boarding or lodging houses;

iii) a comparative statement showing ~~between~~ the rates adopted by the first grade municipalities referred to above and the fees levied by the Mangalore Municipality.

plant

13.X.64
17.10.64

J.

The Inspector of Mines and Local Boards

F. 98.

Local Govt and Public Health DEPARTMENT.

REMINDER. Public Health Branch.

TO THE Inspector of Municipal Councils and Local Boards

~~have the honour to invite~~
I am directed to invite attention to ~~drops~~ goal
~~invite~~

reme
No. 66036 Fy/47. 7 PH dated 18.X.47 and

to request that the reply to it may be expedited.

request that this reminder may be returned at once with information as to—

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

(3) the circumstances which have caused the delay.

Office Seat

Station Pgy.

Dated 26. 11. 47

Signature.

for Assistant Secretary

Designation.

SUBJECT. 25.11.47

Licences fee. Rates of fees for hotels

[P.T.O.

C.F. 98.

REPLY.

To The Secretary to Govt
Edn. & P.H. Dept.

8 - DEC 1948

EDUCATION AND PUBLIC HEALTH DEPT.

90467

I have called for the particulars from the Municipal Commissioners concerned. I shall submit my report as soon as the particulars called for are received from them.

for Inspector

30.11.48

The Insp. may please see.
15.1.49.

E of H.
8.12.48

10.12

Licence fees. Mangalore Mpltg. Resolution fixing Ch
rates of fees for hotels.
Ref: govt. memo 66034 F2. 48. 7 PHd 18.X.48.
Memo: 66034. F1-49. 8 PHd 10.3.49

- The Improvement Trust LCB do is requested the expediting his reply.

4449/47

EPH(E1)

Sub: License fees - Mangalore municipality - Resolution fixing the rates of fees for hotels.

memo 66034/47-9 E1(PH) dt 12-4-49

The attention of the Inspr of Mcls & L Bds is invited to Govt memo 66034 F2/47-7 PH dated 18-10-48 on the subject cited above and he is requested to expedite ~~the submission of~~ his reply in the matter

11-4-49

12/4

Dpty Secy to Govt

Inspr

E1 20

From

K.M.Unnithan Esq. I.C.S.,
Inspector of Municipal Councils & L.Boards, Madras.

To

The Secretary to Government,
Education & Public Health Department.

30509

Sir,

ROC. 48639/48/B2. dated 7.4.49.

...

Licence - Mangalore Municipal council -rates of fees for hotels etc.

Government Memo.66034-E1.47-8 P.H.dated 10.3.49.

...

Particulars are still due from the Municipal Commissioner, Guntur. A reply will be sent to Government on receipt of the particulars from the Municipal Commissioner, Guntur.

Sd. C. R. Kamma Kara Menon
for Inspector.

nsr.20.4.

EPH (E1)

Pl see the interim reply of the Engr on p.31 ante. His final report may be awaited till 20-5-49

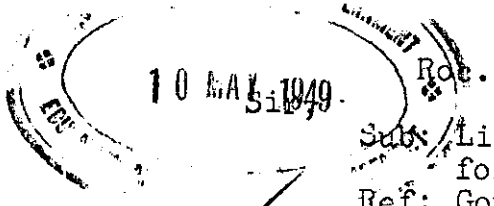
22/4/49

From

K.M.Unnithan Esq.,I.C.S.,
Inspector of ML.Cls.&Local Boards.Madras.

TO

The Secretary to Government,
Education and Public Health Department



Rdc. 48639-48 B.2.dated 5-5-49 .

Sub: Licence - Mangalore municipal council - rates of fees for hotels etc.
Ref: Government memo No. 66034/47 9-E1 P.H.dated 12-4-49

Particulars called for from the Municipal Commissioner, Guntur has not yet been received. A reply will be sent to Government as soon as the particulars called for from the Municipal Commissioner Guntur are received.

EPH
E1

(sd)C.R.Karunakara Menon
For Inspector

By Order

The Insp's further report in the matter may be awaited till 11-6-49

1/2 Manager.

tpr-9-5

D.F. 98.

Education & Public Health DEPARTMENT.

REMINDER.

Public Health Branch

To THE Inspection of Manufactures Madras

I ~~have the honour to invite~~ am directed to invite attention to Govt memo. ~~invite~~

No. 66034/49-9 Edn(PH), dated 18-10-49 and to request that the reply to it may be expedited ~~request that this reminder may be returned at once with information as~~ to—

(1) the stage at which the matter now is,
(2) the date by which a reply may be expected, and
(3) the circumstances which have caused the delay.

CB.O

Office E P H Sectt. Signature.

Station Fort St George For Asst. Secy to Govt Designation.

Dated 11-6-49.

SUBJECT. 11-6-49

Licence fees - Mangalore mile-rates of fees for hotels etc

[P.T.O.

C.F. 98.

47411

REPLY.

To The Secretary to Government
Education and Public Health
Department.

Sir,

The report of the District Panchayat Officer, Guntur has not yet been received. He is being reminded to-day demi officially. I shall send my reply on receipt of this report.

I have the honour to be,
Sir,
Your most obedient servant,

15.6.49

EPH(E)

L.O 29-7-49

24.6.49

EPH(E1)

p 33cf

From the Insp:r of mcls & LBdg Roc 48639-48B2 d) 5.5.49

77 / 1/8

Sub: Licence- Mangalore mcl- rates of fees for hotels etc.

Memo 66034/49-10 E1(PH) d) 30.7.49.

The Inspector is requested to expedite the submission of his reply to this memo p/o 25.26cf 66034 F2/49-7 (PH) d) 18-10-48 on the above subject.

To

The Insp:r of mcls & L.Bdg Madras

29/7/49

30/7

K.M.Unnithan Esq., I.C.S.,
Inspector of Ml.Cls. & Local Boards, Madras.

To

The Secretary to Government,
Education and Public Health Department, Madras.

Roc.48639/48-B2. Dated 10-8-49.

Sir,

Sub:- Licence - Mangalore Municipal Council - Rates of fees for hotels etc. - Revision of.

Ref:- Government Memo.No.66034/49-10_51 P.H. dated 30-7-49.

62095

The Municipal Commissioner Guntur has not yet submitted the particulars called for. I shall send my report as soon as the particulars are received from him.

for Inspector.

EPH(E1) 2/2

pkr.12/8

The Inspector's report may be awaited till 16.9.49

From

K.M.Unnitnan Esq., I.C.S.,
Inspector of Ml.Cls. & Local Boards, Madras.

To

The Secretary to Government,
Education and Public Health Department, Madras.

L.Dis.48639/48. dated 23-9-49.

Sir,

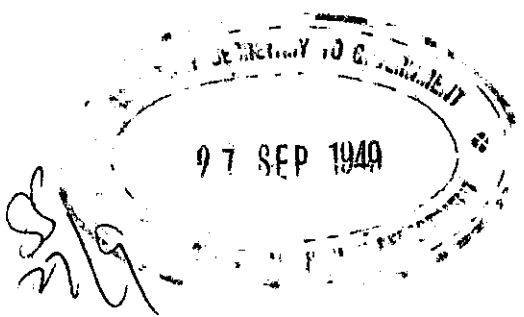
Sub:- Licence fees - Mangalore Municipal Council - rates of fees for hotels etc.
Ref:- Government Memo.No.66034 F2/47-7 P.H. dated 18-10-48.

74891

I send herewith a comparative statement showing the rates adopted by the I Grade Municipalities and the fees levied by the Mangalore Municipal Council for the issue of licences under section 249 of the Madras District Municipalities Act for hotels, restaurants, eating houses, cofee houses and boarding and lodging houses.

for Inspector

pkr.26/9



CENCE FEES.			
Eating Houses.	Cofee Houses.	Boarding or Lodging Houses.	Remarks.
As in column 3.	As in column 3.	As in column 3.	
As in column 3.	As in column 3.	As in column 3.	
As in column 3.	As in column 3.	As in column 3.	

for Inspector.

S.No.	Name of the I Grade Municipal Council.	RATES O	
		H o t e l s.	Restaurants.
1.	Tuticorin	Annual licence fee will be one month's rental value of the building occupied subject to a minimum of Rs.10/-	Annual licence fee wi be one month's rental value of the building occupied subject to a minimum of Rs.10/-
2.	Mathurai	For Annual Rental value up to Rs.100/--Re.1-0-0 From Rs.101 to.150/--- Rs.4-0-0 For every additional 50. Rs. 2-0-0 A.R.V.after Rs.150/- sbject to a maximum-of Rs.200/-	As in column 3.
3.	Coimbatore.	For an Annual Rental value of Rs.100/- or less- Rs.4-8-0 Above Rs.100/- upto and including Rs.200/- Rs.9-0-0 Above Rs.200/-upto& including Rs.300/- Rs.22-8-0 Above Rs.300/-upto& includingsRs.500/- Rs.37--8-0 Above Rs.500/-upto & including Rs.750/- 75-0-0 Above Rs.750/- Rs.112-8-0	As in column 3.
4.	Salem	One month rental value of the building occupied subject to a minimum of Rs.5/- per annum.	As in column 3.
5.	Tanjore	2 month's rent of the building occupied subject toa minimum of Rs.10/-	As in column 3.
6.	Ootacamund	Rs.4-0-0 per annum.	For an annual rental value Rs.600/--Rs.12/- Others ..... Rs. 6/- Rs.31-4-0 per annum
7.	Tiruchirapalli.	Rs.31-4-0 per annum.	Rs.31-4-0 per annum.
8.	Vellore.	One month's rent of the building occupied.	As in in column 3.
9.	Rajahmundry	10% of the rental value of the building occupied.	As in column 3.
10.	Kakinada	I Class-- Rs.24-0-0 II Class-- Rs.16-0-0	Rents with holding Rs.180-0-0 Rents without Lodging 120-0-0 I Class II Class 72-0-0
11.	Vijayawada	10% of the Annual rental value of the building occupied.	As in column 3.
12.			

LICENCE FEES.			
Eating Houses.	Coffee Houses.	Boarding or Lodging Houses.	Remark
Annual licence fee will be one month's rental value of the building occupied subject to a minimum of Rs.10/-	Annual licence fee will be one month's rental value of the building occupied subject to a minimum of Rs.10/-.		
As in column 3.	As in column 3.	--	
As in column 3.	As in column 3.	Rs.25--0--0	
As in column 3.	As in column 3.	As in column 3.	
As in column 3.	As in column 3.	As in column 3.	
Rs.4-0-0 per annum	For an annual rental value of Rs.600/- 12-0-0 Others Rs.6-0-0	Rs.4-0-0 per annum	
Rs.16-0-0 per annum	Rs.31-4-0 per annum.	Rs.31-4-0 per annum	
As in column 3.	As in column 3.	For a rental value of Rs.20/-or below p.m.Rs.5-0-0 Exceeding Rs.20/- but does not exceeds Rs.50/-Rs.8-0-0 Exceeds Rs.50/- but does not exceed Rs.100/- Rs.12-8-0 Exceeds Rs.100/- Rs.25-0-0	
As in column 3.	As in column 3. I Class - Rs.48-0-0 II Class - 32-0-0 III Class 16-0-0	--	
As in column 3.	As in column 3	Rs.25/- per annum.	

S.No.	Name of the I Grade Municipal Council.	Hotels.	Restaurants.
12.	Visakhapatnam.	For an Annual Rental Value of Rs.100/- or below - Rs.10-0-0 Exceedings Rs.100/- but not exceeding Rs.200/- Rs.12-8-0 Exceeding Rs.200/- but not exceeding Rs.300/- 15-0-0 Exceeding Rs.300/- but not exceeding Rs.400/- 20-0-0 Exceeding Rs.400/- but not exceeding Rs.500/- 25-0-0 Exceeding Rs.500/- but not exceeding Rs.750/- 50-0-0 Exceeding Rs.750/- but not exceeding Rs.1000/- 75-0-0 Exceeding Rs.1000/- but not exceeding Rs.1500/- 125-0-0 Exceeding Rs.1500/- 150-0-0	As in column 3.
13.	Calicut	For an annual rental value of less than Rs.25/- 3-0-0 Over Rs.25/- but less than Rs.50/- 7-8-0 Over as 50/- but less than Rs.100/- 12-0-0 Over as 100/- but less than Rs.150/- 20-0-0 Over Rs.150/- but less than Rs.250/- 30-0-0 Over Rs.250/- but less than Rs.500/- 50-0-0 Over Rs.500/- but less than Rs.1000/- 75-0-0 Over Rs.1000/- but less than Rs.1500/- 100-0-0 Over Rs.1500/- 125-0-0	As in column 3.
	Mangalore	Double the rental value of the premises used or the assessed property tax for the month whichever is higher in which the application is made subject to a maximum of Rs.1000/-.	As in column 3.

EPH(E)

U/35-cf Read again G.O 2566 PH. dated 25.7.49
p 9 cf- From the Commr Mangalore m'ply D.Dis 12334/49 d 1.348
p 23 cf. From the Inspr of mlcls & L.Body LDis 15525/48 d
41 cf. From the Inspr L.Dis 48639/48 d 23.9 10.8.48

Sub: Licence fees. Mangalore m'ply -
Revision of rates of licence fee for hotels etc -
~~Orders issued~~. papers recorded.

Order/MS 3776 PH dated 27-10-49

Recorded.

~~1. The Commr Mangalore m'ply is~~
informed that the matter is dropped.

To.
The Commr
Mangalore m'ply
Inspr of mlcls

24/10/49
24/X/49

No. 66234/B7 From the Commissioner, Mangalore City

Ref: Cro. C2 dt 12.8.46.

Licence fees. Mangalore Municipal Council

Rates of fees for hotels:

(I) In its resolution no. 47 dated 28.1.46 the Mangalore Municipal Council resolved inter-alia to increase from 1.4.46 the licence fees on hotels, restaurants, eating houses etc to double the monthly rental of the premises used or the assessed property tax whichever is higher for the month in which the application is made subject to a maximum of Rs 1000.

2. The Mangalore Meals Hotel Keepers' Union made a representation to Govt that the rate fixed was high and the GI however rejected their appeal.

(II) In August 46, the Union made a representation to Govt protesting against the increase of licence fees by the Mangalore Municipal GI and requested that adequate relief might be granted to the hotel keepers.

3. On a report called for from the DLB, he considered that the rate fixed by the GI was very high and could have no justification as it could never be commensurate with the charges involved in inspection and other incidental charges.

(III) This question was considered in consultation with the Asst Deptl Head and it was decided in circulation that the rates fixed for hotels might be cancelled and that the Mangalore Municipal Council might be asked to revise the rates for hotels in consultation with the DLB.

4. In accordance with the first proviso to section 364(1) of the MDM Act, the S.B. of Commr, Mangalore Municipality was asked to show cause why the Mang-lore C. resolution no. 47 dated 28-1-46 no ... p 35c, ff/c

er as it relates to which ch should not be cancelled. ... 2)

5. The S.B. of Commr, Mangalore Mpty in exercising the function of the M.C. has passed a resolution no. 20 dt 7-8-47 ... pp 3-4/c requesting, inter alia, that the licence fees had been fixed carefully by the C. taking into consideration the growing expenditure involved in supervising the ... which, inter alia, the reasons set forth by him in applying: The request that the existing rates may not be cancelled and that the question may be kept pending till the new council comes.

6. It is submitted that the reasons set forth by the Commr in his resolution ... pp 3-4/c no. 20 dt 7/8/47 cannot be regarded as valid grounds for the increase of licence fees and the S.B. has ground not established that the rates are excessive. ... pp 23-34/c, ff/V

There seems to be no need therefore to revise the orders ... 20/8/47 ... pp 4 NF/(V) dated in Go 2566 PH dated 25-7-47. It is therefore for orders whether the resolution no. 47 dated 28-1-46 may be cancelled and the Commr may be asked to give effect to the orders contained in para 2 of Go 2566 PH dated 25-7-47. ... p 33 4/c (U) may be cancelled in so far as it relates to fees fel p 35 c/f 6 Rotation.

Ks The file may be circulated to Hon (PH) 19/8/47) ... (LA). 22-8-47

L.A may see prior to circulation.

19/8/47 ... 20-8-47 ...

LOCAL ADMINISTRATION DEPT. 30307 1947

66034 Fb 7-1

The note of E&PH-DCP&H (para PPI-i above) may be perused and the file returned to that DCP&H x.o.

As stated by Legal at (V) it is doubtful whether the resolution may be cancelled under section 36 of the Act. Further mere cancellation of the resolution will result only in no rate being in force for the fees. So, the best course seems to be to inform the C so that the resolution at (IV) is not acceptable and to direct him to revise the rates within a month in consultation with the L A & the S.O will see his way to obey the direction

(to report the facts to Govt.)

27.8.47

E & P.H.

E&PH

(IV) With reference to 'A' above it may be noted that Legal did not advise on the question of cancelling the Mangalore Municipal Council's resolution 47 of 28-1-46 under section 36 of the DM Act but only doubted whether a portion of the resolution (i.e. so far relating to the rates fixed for hotels) may be cancelled

(V) As regards 'B' above, attention is invited to the para 2 of G.O. Ms. 2566 PH dt. 25.7.47. However, as suggested by L.A above it may be adopted. For orders.

27.8.47

1-9-47

These enhanced rates must have been brought into effect from 1/10/46 for the year 46-47. The year 47-48. If the ref is cancelled, as LA says, there will be no rate in force for the 2 years 46-47 & 47-48 until a fresh ref is framed fixing the rates. For 46-47, can the Cl. pay a ref fixing the rates? Even then refunds may have to be made.

To avoid difficulty, we may let this ref lapse and frame 46-47. For 47-48, the procedure suggested by LA at 'c' and 'd' ante may be adopted. Kindly see

Sd/-
2/9/47

I agree

Sd/-
2/9

HDM (P.H)

SECRETARY, E. & P.H. DEPT. 8 SEP 1947 GOVERNMENT OF MADRAS

JOINT SECRETARY TO GOVERNMENT 3 SEP 1947 EDUCATION AND PUBLIC HEALTH DEPARTMENT

E&PH
Fr

The draft order below, is for approval.

Don't do like so, when this need.

Sd/-
4-9-47

Sd/-
5-9-47

J.S

Sd/-
6/9/47

Issued as G.O. No. 3035 P.H./6.9.47. ~~E&PH~~ P.S.C.

With reference to J.S's remarks above the draft memo below is for approval.

Sd/-
16-9-47

Sd/-
17.9.47

Sd/- 20.9.47

Issued as memo 66034 Fr 3 P.H. dt 20.9.47

Fr

From the Secretary, Mangalore Meals Hotel Keepers' Union pttd 8.11.47.

Please see the petition on p11 ⊗. The reports from the Commr, Mangalore reply with reference to memo on p9 is awaited. The draft endl on p12 is for approval.

Sd/-
20.11.47

⊗ Re: [illegible] augmt

Memo 66034 Fy 47 3 PH dated 20-10-47.
[From the Commissioner, Mangalore
Mpltg. Dis 12334.47 dated 1-3-48.]

— : —

p5 c f In go 3035 PH dated 6-9-47, the govt directed that the rates of licence fees for hotels etc fixed by the Mangalore Municipality should be revised by the S.G. for the year 1947-48 in consultation with the Inspector of M & LBds within a period of one month and that the action taken should be reported to govt. The Commissioner
f 9 c did not carry out the orders of govt in his capacity as a Special Officer. He
p 9-17 c has now forwarded to govt a copy of the
p 13 f resolution no 85 dated 28-2-48 passed by the newly elected Municipal Council and
f 9 c the Commr states that in accordance with
p 13 f the Council's decision the govt may drop the matter.

p9 c 2. The M. & L appointed a Committee from its members to consider the revision of rates of licence fees for hotels etc as
p5 c suggested by the govt and it has accepted
p 11 f the report made by one Councillor Dr. K. Nagappa in the matter. The result is that the Council is not prepared to revise the existing rates for hotels etc and it requests
p 13 c 2 govt not to pursue the matter. Before considering the request of the C, the
Pl see remarks of the Inspector may be again invited
list on the Council's resolution. LA may see for
file remarks.

K
11/3/48
5.13.3.48

The draft memo below is for approval.

K
15/3/48
5.17.3.48

EHPH
Fr

(Issued as memo No.66034 F2/47-5. P.H. dated 18.3.48). p21 c.f.

From the Inspector of Municipal Councils and Local Boards pp23-24 c.f.

L.Dis.No.15525-48 dated 10.8.48.

Please see the note from p.5 ante and the letter of the Inspector at pp.23-24 c.f.

From the rates obtaining at Calicut and Mangalore as compared at p.23 c.f., the Deputy Inspector considers p24 c.f. and the Inspector agrees that the rates in Mangalore p23 c.f. are high, that the income from licence fees for the p24 c.f. municipality for the year 1947-48 has gone up nearly clo 9 times compared with that in 1945-46, that such a steep rise in the fees does not appear to be justifiable and p24 c.f. that the Mangalore Municipal Council may be asked to adopt the rates obtaining at Calicut.

2. But it is doubtful whether the Mangalore Municipal Council will give effect to any advice that may be tendered by Govt. in the matter. Attention is invited to G.O.No.2566 PH dated 25.7.47 and the notes at pp.1-5 ante. As already pointed out, the power to fix rates of fees for licences under section 249 of the M.D.M. Act is vested in the council under section 321(2) and this power cannot be restricted except by rules framed under that section. No rules have so far been made in respect of the levy of fees for hotels. However if the fee levied by the Municipality is considered unreasonable and exorbitant, it would be in excess of its powers in the light of G.O.No.630 PH dated 16.3.33 and the Govt. can cancel the council's resolution under section 36 of the M.D.M.Act.

p35 c.f. (U)

vide below 23/8/48

Legally, I don't think so 23/8/48 (W)

3. As however the Legal Dept. are doubtful whether the resolution of the council No.47 dated 28.1.1946 in which the present rates were fixed can be cancelled only so far as it relates to the levy of fees on hotels, it is submitted that the question of cancelling the resolution may be deferred for the present. As suggested

pp4-5 N.F (U)

p33 c.f. (U)

23/8/48

P.T.O...

P on p24c.7

by the Inspector of Municipal Councils and Local Boards at pp.23-24 c.f. the Council may first be advised to revise the rates of licence fees for hotels with effect from 1-4-1949 in the light of the report of the Deputy Inspector of Municipal Councils and Local Boards at pp.23-24 c.f. It does not seem necessary to hold a threat to the council that unless it revises the rates the Govt. will be constrained to cancel the resolution. The question of taking further action in the matter may be considered after examining what the councils has to say. For orders.

P on p24c.7

S. 20.8.48

L.A Secy may see

Please see section 3(21), Ch. XI, and section 144 of the M.P.H. Act. Fees to be levied in respect of Lodging houses under the M.P.H Act have been prescribed.

There is also another file in F, Section about the enhancement of the scale of the fees referred to above.

Please examine this case with reference to the provisions of the M.P.H Act referred to above.

23/8/48

The file referred to above by AS is linked below. In that file the question of increasing the rates of fees levied for the registration of lodging houses under the Madras Public Health Act is under examination and the remarks of the DPH in the matter are awaited.

It may be noted that the hotels, eating houses and coffee houses licensed under section 249 of the M.D.M Act will also cannot be regarded

as lodging houses' within the meaning of the M.P.H Act. Attention is invited to G.O. 663 PH dated 8.5.39.

3. The power to fix scales of licence fees for licences under section 249 of the MDM Act is vested in the Council under section 321(2) and it is left to the Council to fix the scales considering the nature of trade in each area, the volume of trade and other relevant factors relating to local conditions. ~~Attention is invited~~ There ~~are~~ have been no rules ~~so far~~ prescribed by Govt. in respect of the levy of licence fees for hotels under the provisions of the M.D.M Act. It does not therefore appear necessary to revise for the present the scales proposed in the linked file for the registration of lodging houses under the M.P.H Act. For orders whether A and B at p7 are to be approved.

Recommended that a separate remarks

If the reference to make up the advice of the Council in question No. under which

Yours

Kindly 7.9.48 9.9.48

Kind attention is invited to the portion marked 'N' at p6 ante and also to the legal opinion at pp 3-4 NF of GO 2566 PH dated 25.7.47.

'A' at 'B' on p. 7 ante

Yours

Kindly 12.9.48

LOCAL ADMINISTRATION DEPT. 22 1948 37765 SECTT. MADRAS

O.Mis 6634 Fpl.

LAD

This dept. may agree with E & PH (A & Bdrs) views

E & PH.

37765/48/A

23-9-48

E & PH.

Summarising note.

Govt go 3035 PH dated 6.9.47 the govt directed that the rates of licence fees for hotels etc fixed by the Mangalore M. Council should be revised from the year 47-48 in consultation with the Inspector of M Cs and L Bds (as they were considered to be high). The newly elected Municipal Council appointed a committee from its members to consider the revision of the rates ~~of licence fees for hotels~~ as suggested by the Government and in accordance with the decision arrived at by the Committee, the Mangalore Municipal Council has requested Govt to drop the matter. The Inspector of M Cs and L Bds considers that the rates fixed by the Municipal Council are too high ~~to be unjustifiable~~ and that it may be asked to adopt the rates obtaining at Calicut. It is therefore proposed to advise the Municipal Council to revise the rates of licence fees for hotels etc with effect from 1-4-49 in the light of the report of the Deputy Inspector forwarded by the Inspector of Municipal Councils and Local Boards. LA Dept agrees to this proposal. The draft order below is for approval.

The ~~excessive~~ rates for Mangalore and the rates for Calicut should be chosen. Mangalore's ~~advice~~ should be ~~adopted~~ as ~~at~~ per p 23 C.F.

27.9.48

J.I. 104.

Encls.

Draft

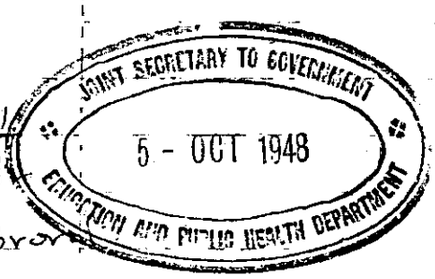
HHM(PH)
HHM(LA)

9/12/48

I would like to have information about the rates of licence fees in I grade municipalities in Tamilnad & Andhradesha and how it compares with the fees levied by the Bangalore municipality.

sms
5/10

EPH



With reference to the minutes of Hon PH above, the draft memo below is for approval

13.X.48
5.10.48

Issued as memo 66034/F2/48-7(PH) dated 18-10-48 | pp 25-26 Cf
C.no 74891/49 from the Insp. of L.Bds 48639/48 dated 23-9-49. | p 41 Cf

The summarising note on previous page may be perused. With ref to the minute of Ex H.M(PH) above, the Insp. of Mcls & L.Bds was asked to furnish a comparitive statement of the rates of licence fees adopted in Tamilnad and Andhradesa and how it compared with the rates at Mangalore. His reply since received may be found at pp 43-44 Cf. From the statement on ~~p 40 Cf~~ pp 43/44 Cf, it is observed that the rates of fees levied by the Mangalore m'ply are very high and can be reduced. | pp 43-44 Cf

It is therefore for orders whether as originally suggested, the mangalore mcl may be advised to revise the rates of licence fees for hotels etc with effect from the Current year in the light of the report of the Dy. Insp. of L.Bds on p 23 Cf. | M'in p 23 A

HMS (PH) and LA may see the case for orders.

May see need from p 9 ante.

A. Memo may be approved.

2.10.48

Mr Rowe

Issued | Hon (PH)
S | Hon (LA)

I am not at all sure that we should interfere in this matter with the considered and re-affirmed decision of the municipality. As will be clear from the comparative statement given by the Inspector at p. 23 c.f. there is not much difference in the lower ranges in the fees levied at Calicut and Mangalore. In the higher ranges and particularly in respect of the maximum the fees at Mangalore are higher but such progressive taxation does not deserve to be discouraged. The comparative figures for other municipalities are at pp. 43-44. They are not exactly susceptible to comparison but it would appear that they range up to 10 per cent at Vijayawada as against 16 per cent at Mangalore.

The licence fees paid by these hotels are in the nature of indirect taxation which is recovered, if possible, from consumers. Hotels are making large incomes and the incidence of these fees is not likely to be felt either by the owners or by the public. On the other hand, if the fees are reduced the municipality will lose income which it cannot afford to, considering its general position. In any case the fees have now been in force for sometime and the owners of hotels may have been reconciled to them. We may drop further proceedings.

18/X

H.M.(P.H.) 20/10/49

H.M.(L.A.) 24/10

SECRETARY, EDN. AND R.H. DEPT. 24 OCT 19 GOVERNMENT OF MADRAS

The papers may be recorded, and the Commr. Mangalore may be informed that the matter is dropped. The draft order below is for approval

24-10-49

24/X/49